

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:08CR076-P-D

VATESTA JOHNSON WASHINGTON,

DEFENDANT.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant Vatesta Johnson Washington's motion to continue trial [40]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for March 30, 2009. On January 15, 2009 the court entered an order allowing defense counsel Martin A. Kilpatrick, Esq. to withdraw conditioned upon Defendant Washington's acquisition of new counsel. The defendant has not yet obtained new counsel, therefore current defense counsel requests a continuance in order to allow the defendant more time to do so.

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from March 30, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant more time to obtain new counsel. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant Vatesta Johnson Washington's motion to continue trial [40] is **GRANTED**;
- (2) Trial of this matter is continued until Monday, May 11, 2009 at 9:00 a.m. in the United

States Courthouse in Greenville, Mississippi;

(3) The delay from March 30, 2009 to May 11, 2009 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is April 20, 2009; and

(5) The deadline for submitting a plea agreement is April 27, 2009.

SO ORDERED this the 4th day of March, A.D., 2009.

/s/ W. Allen Pepper, Jr. _____
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE